

Remarks

By the present Amendment, claims 1-5 and 19 have been amended, claims 6-18 have been canceled and claims 20-24 have been added. Claims 1-5 and 19-24 are now pending in this patent application.

Record of Substance of Interview

Applicant is most appreciative of the professional courtesies and consideration extended to Applicant's representative Andrew D. Meikle during an interview that took place at the Examiner's office on March 31, 2005. The record of the interview provided by the Examiner in the Interview Summary Attachment is thorough and well stated.

Allowable Subject Matter

Applicant notes with appreciation that the Examiner has recognized allowable subject matter in claims 4, 5 and 19. By the present Amendment, claims 4 and 5 have been re-written in independent form incorporating amended language from independent claim 1 that overcomes the rejection based on 35 USC § 112, second paragraph, stated in the outstanding Office Action. Applicant trusts, therefore, that the Examiner will find claims 4, 5 and 19, as well as claims 23 and 24, to be allowable.

Section 112, 2nd Paragraph Rejection

Claims 1-6 and 19 were rejected under 35 USC § 112, second paragraph, as being indefinite. Applicant respectfully traverses this rejection insofar as it might be deemed applicable to claims 1-5 and 19 as now presented.

By the present Amendment, Applicant has amended independent claims 1, 4 and 5 to incorporate definite language helpfully suggested by the Examiner. Claim 6 has been canceled. Accordingly, Applicant trusts that the Examiner will find claims to be in full compliance with the requirements of 35 USC § 112, second paragraph.

Section 112, 1st Paragraph Rejection

Claims 1, 3-6 and 19 were rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses this rejection insofar as it might be deemed applicable to claims 1, 3-5 and 19 as now presented.

By the present Amendment, Applicant has amended independent claim 1, to specify that the cord has a diameter in a range of 0.3 to 1.5 mm, as helpfully suggested by the Examiner. Claim 3 has been amended to depend from new claim 20, which, Applicant submits, is free of the dimensional conflict identified by the Examiner. Claims 4 and 5 have been re-written in independent form and are free of the above-noted dimensional conflict. Claim 6 has been canceled. Accordingly, Applicant trusts that the Examiner will find claims 1, 3-5 and 19 to be in full compliance with the requirements of 35 USC § 112, first paragraph.

Prior Art Rejection I

Claims 1 and 6 were rejected under 35 USC § 103(a) as being unpatentable over US 2767113 (Bower) in view of US 3974960 (Mitchell) and at least one of US 1321223 (Marquette) and US 1977108 (Arnberg). Applicant respectfully traverses this rejection insofar as it might be deemed applicable to claim 1 as now presented.

Without acquiescing in the rejection, Applicant has canceled claim 6 and has amended claim 1 to recite a reduced thickness portion as having a substantially constant thickness, as had been recited, somewhat more narrowly, in claim 6.

As recognized by the Examiner, the Bower patent is directed to twist ties, in which a wire is sandwiched between two layers of plastic material. The plastic material is not unvulcanized rubber as specified in claim 1. As a suitable material for the plastic material, Bower specifically identifies polyvinyl chloride.

As a remedy for the deficiencies of Bower vis-à-vis the requirements of claim 1, the Examiner proposes a modification of the Bower twist tie using teachings found in Mitchell and Marquette or Arnberg. As described by the Examiner, the resulting product would have the

cross-sectional shape of the Bower twist tie, but would have layers of unvulcanized rubber enveloping the wire.

Mitchell discloses a tie strip suitable for closing plastic trash bags. The disclosed tie strip, can be made from several plastic materials, including styrene-butadiene-rubber-polymers, as noted by the Examiner. The Mitchell tie strip does not incorporate any element that might be fairly equated with the wire employed in the Bower twist tie or with the cord specified in claim 1.

Marquette discloses a fabric including strands 2 sandwiched between unvulcanized rubber sheets A and B in a calendering operation. The fabric is suitable for use in building a tire.

Arnberg discloses a rubber belt constructed by sandwiching longitudinal reinforcing strands 1 between layers 2, 3 of rubber. As described in the paragraph bridging the two columns on page 1, the rubber surrounding the strands is unvulcanized in an intermediate product and is vulcanized to form the finished product.

Applicant submits that the combination of teachings employed by the Examiner would not have been obvious.

There is no motivation to be found in any of the applied disclosures for making the proposed modification of the Bower twist tie. The relationship of the technological field of twist ties is remote from that of plastic ties, like the Mitchell tie, which is not intended for twisting to achieve a fastening effect. Twist ties are even more remote from the field of rubberized fabrics, such as those disclosed by Marquette and Arnberg. Applicant submits that one of ordinary skill in the art would not look to teachings in the field of non-twist plastic ties, or in the field of rubberized fabrics, for ideas that might lead to improvements in twist ties.

If one were to modify the Bower twist tie in the manner proposed by the Examiner, the resulting twist tie would not be suitable for its intended purpose. The claimed requirement for *unvulcanized* rubber cannot be ignored. An article having a wire enveloped in sticky unvulcanized rubber, as proposed by the Examiner, would simply not be suitable for performing the functions for which twist ties are normally intended.

In view of the foregoing observations and arguments, Applicant submits that no reasonable combination of the disclosures in Bower, Mitchell, Marquette and Arnberg can meet the requirements of claim 1. Accordingly, these documents cannot properly serve as a basis for rejecting claim 1 under 35 USC § 103.

Prior Art Rejection II

Claim 2 was rejected under 35 USC § 103(a) as being unpatentable over Bower in view of Mitchell and at least one of Marquette and Arnberg and further in view of US 3409948 (Goodwin) and US 4797313 (Stolk et al.). Applicant respectfully traverses this rejection insofar as it might be deemed applicable to claim 2 as now presented.

In making this rejection, the Examiner proposes that the twist tie resulting from the modification of the Bower twist tie, discussed above, be further modified so that it exhibits the dimensions required by claim 2.

Applicant has shown that combination of the Bower, Mitchell, Marquette and Arnberg disclosures would not have been feasible and would not have been obvious. Adding another disclosure to this combination does not diminish the merits of arguments that Applicant has presented.

The Goodwin and Stolk patents disclose further examples of twist ties. Nothing in these disclosures provides any remedy for the deficiencies of the disclosures in Bower, Mitchell, Marquette and Arnberg vis-à-vis the requirements of independent claim 1, as shown above. The same deficiencies exist with regard to the requirements of independent claim 20 from which claim 3 now depends.

Applicant respectfully submits that no reasonable combination of the disclosures in Bower, Mitchell, Marquette, Arnberg, Goodwin and Stolk et al. can meet the requirements of claim 2. Accordingly, these documents cannot properly serve as a basis for rejecting claim 2 under 35 USC § 103.

Prior Art Rejection III

Claim 3 was rejected under 35 USC § 103(a) as being unpatentable over Bower in view of Mitchell and at least one of Marquette and Arnberg and further in view of US 5154964 (Iwai et al.). Applicant respectfully traverses this rejection insofar as it might be deemed applicable to claim 3 as now presented.

Applicant submits that adding another disclosure to the combination of Bower, Mitchell, Marquette and Arnberg does nothing to diminish Applicant's position that the combination of these disclosures does not meet the standards required by 35 USC 103.

The disclosure by Iwai et al. of another twist tie provides no remedy for the deficiencies of the disclosures in Bower, Mitchell, Marquette and Arnberg vis-à-vis the requirements of claim 1, as shown above. The same deficiencies exist with regard to the requirements of independent claim 20 from which claim 3 now depends.

Applicant respectfully submits that no reasonable combination of the disclosures in Bower, Mitchell, Marquette, Arnberg, Goodwin and Iwai et al. can meet the requirements of claim 3. Accordingly, these documents cannot properly serve as a basis for rejecting claim 3 under 35 USC § 103.

Patentability of New Claims 21 and 22

The arguments presented above supporting the patentability of claim 1 are applicable as well to the patentability of claims 21 and 22.

Other Prior Art

Applicant has considered the other prior art cited by the Examiner. This prior art was not applied against the claims in this application and does not warrant further comment.

Conclusion

In view of the amendments and comments made in this paper, Applicant respectfully requests that the rejections stated in the outstanding Office Action be withdrawn and that all of the claims now pending in this patent application be recognized as allowable.

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If unresolved matters remain in this application, the Examiner is invited to contact Frederick R. Handren, Reg. No. 32,874, at the telephone number provided below, so that these matters can be resolved expeditiously.

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Respectfully submitted,

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